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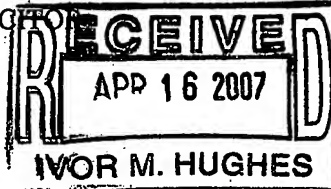
NOTICE OF ALLOWANCE AND FEE(S) DUE

23607

7590

03/30/2007

IVOR M. HUGHES, BARRISTER & SOLICITOR
PATENT & TRADEMARK AGENTS
175 COMMERCE VALLEY DRIVE WEST
SUITE 200
THORNHILL, ON L3T 7P6
CANADA



EXAMINER

POWERS, FIONA

ART UNIT

PAPER NUMBER

1626

DATE MAILED: 03/30/2007

Due: July 2/07

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 11/501,770 | 08/10/2006 | Eckardt C. G. Wolf | PT-2147001 | 5872 |

TITLE OF INVENTION: NOVEL AND SAFE PROCESS FOR THE PREPARATION OF BALSALAZIDE

| APPLN. TYPE | SMALL ENTITY | ISSUE FEE DUE | PUBLICATION FEE DUE | PREV. PAID ISSUE FEE | TOTAL FEE(S) DUE | DATE DUE |
|----------------|--------------|---------------|---------------------|----------------------|------------------|------------|
| nonprovisional | NO | \$1400 | \$300 | \$0 | \$1700 | 07/02/2007 |

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

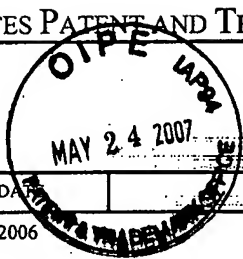
III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



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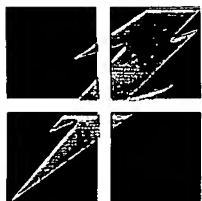
Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 0 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 0 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.



Ivor M. Hughes

Barrister & Solicitor

Patent & Trade Mark Agents
Canada, United States



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Wm. Kitt Sinden
Samuel T. Tekie, P.Eng.
Francis Ng-Cheng-Hin

Our Ref.: PT-2147001

Via Courier

May 23, 2007

The Commissioner of Patents
United States Patent Office
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Alexandria, VA 22314
U.S.A.

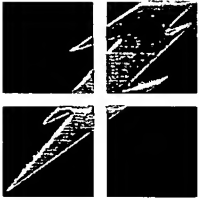
Dear Sir:

Re: United States Patent Application Serial No. 11/501,770
Applicant: Apotex Pharmachem Inc.
Title: NOVEL AND SAFE PROCESS FOR THE PREPARATION OF
BALSALAZIDE
CUSTOMER NO. 23607
DUE DATE: July 2, 2007

Pursuant to the Notice of Allowance dated March 30, 2007, a copy of which Notice is enclosed herewith for your reference, Applicant encloses a cheque in the amount of **\$1,700.00 USD** made payable to "The Commissioner of Patents" which sum is comprised of the issue fee (\$1,400.00 USD) and publication fee (\$300.00 USD) for a large entity. Should there occur an overpayment or and underpayment of fees in respect of this application, the Commissioner is authorized to access Deposit Account Number 08-3255 to make the appropriate adjustments.

Applicant also submits a completed PTOL-85 Issue Fee Transmittal Form.

Also enclosed herewith is a stamped, self-addressed verification card which we request that you date-stamp and return to this office at the earliest opportunity.



We thank the Commissioner for his cooperation in this regard and look forward to obtaining an issue fee receipt in this regard.

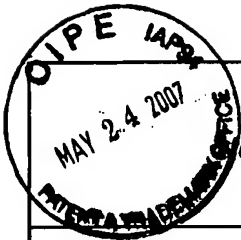
Respectfully submitted,

Ivor M. Hughes
Registration No. 27,759
Agent for Applicant

IMH/mr

Enclosures

- 1) Cheque \$1,700.00 USD
- 2) Verification Card
- 3) Form PTOL-85
- 4) Copy of Notice of Allowance



Notice of Allowability

| | | |
|-----------------|--------------|--|
| Application No. | Applicant(s) | |
| 11/501,770 | WOLF ET AL | |
| Examiner | Art Unit | |
| Fiona T. Powers | 1626 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment and drawings filed March 6, 2007.
2. ☒ The allowed claim(s) is/are 1-19.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date <u>20070328</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input checked="" type="checkbox"/> Other <u>See Continuation Sheet</u> . |

Continuation of Attachment(s) 9. Other: the drawings filed 3/6/07 are accepted by the examiner.

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EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Andre Lapierre on March 28, 2007.

The application has been amended as follows:

Claim 6, line 1, delete "1, 2, 3, 4 or 5" and insert -1, 2 or 3-.

Claim 7, line 1, delete "1, 2, 3, 4, 5 or 6" and insert -1, 2 or 3-.

Claim 8, line 1, delete "1, 2, 3, 4, 5, 6 or 7" and insert -1, 2 or 3-.

Claim 9, line 1, delete "1, 2, 3, 4, 5, 6, 7 or 8" and insert -1, 2 or 3-.

Claim 15, line 2, delete "any of the previous claims" and insert -claim 10, 11 or 12-.

Claim 16, line 2, delete "any of the previous claims" and insert -claim 10, 11 or 12-.

Claim 17, line 2, delete "any of the previous claims" and insert -claim 10, 11 or 12-.

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REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: the prior art of record does not anticipate or render obvious the claimed process for the preparation of Balsalazide or the methanesulfonate and p-toluenesulfonate salts of N-(4-diazoniumbenzoyl)- β -alanine. The closest prior art process is disclosed in Example 4 of U.S. Patent 4,412,992 and Shan et al., Shi et al., Chai et al. and Su et al. The processes disclosed in these references does not comprise the conversion of N-4-aminobenzoyl)- β -alanine to N-(4-ammoniumbenzoyl)- β -alanine sulfonate salt. These references disclose the chloride salt of N-(4-diazoniumbenzoyl)- β -alanine but do not disclose its methanesulfonate or p-toluenesulfonate salts. The references provide no motivation to modify the process and compounds disclosed therein to arrive at the claimed process and compounds.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fiona T.

Art Unit: 1626

Powers whose telephone number is 571-272-0702. The examiner can normally be reached on Monday - Friday 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph K. McKane can be reached on 571-272-0699. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Fiona T. Powers
Fiona T. Powers
Primary Examiner
Art Unit 1626

ftp
March 28, 2007

Continuation of Substance of Interview including description of the general nature of what was discussed: The examiner contacted Mr. Lapierre to inform him that the application would be in condition for allowance if the following were done: 1)claims 6 to 9, change the dependency to -claim 1, 2 or 3- and 2)claims 15 to 17, change the dependency to -claim 10, 11 or 12-. It was agreed that claims 6 to 9 and 15 to 17 would be amended as discussed above by examiner's amendment..